3 B 53-56/350

Reaſons humbly offered to the Right Honourable the Lords Spiritual and Temporal in Parliament aſſembled, To make a ſmall Amendment to the words Number *and* Value, *in the Bill for Relief of Creditors, and thereby prevent many Inconveniencies that may happen.*

IN the firſt Enacting Clauſe, next to the Preamble, after theſe words, *viz. That it ſhall and may be Lawful, to and for Two Third parts, or more, in Number and Value, of all Real Creditors,* to add *(whoſe Debts are above Five Pound each)* or otherwiſe to add to the Bill the following Proviſo.

> *Provided alſo, and be it further enacted and declared by the Authority aforeſaid, That all Creditors, whoſe Debts are leſs than the Value of Five Pound each, ſhall only be of the Value, and not of the Number of Creditors, whereof Two Thirds are Impowered to make Agreements or Compoſitions by Virtue of this Act.*

It is impoſſible for a Debtor, who hath been many Years under Confinement, and is obliged *(if required at any time)* to give a Schedule upon Oath of all the Debts he owes, whereby the two Thirds intended by this Act may appear, to Remember or Know the Number of Creditors to whom he may owe one, two, three, four, five, ten, fifteen, twenty Shillings, or more or leſs under the value of 5 *l.* Many of thoſe ſmall Debts being commonly contracted by his Wife, Children or Servants, for Proviſions, or other Neceſſaries for the Uſe of the Houſe, or Wearing Apparel, whereof he may not know any thing, nor kept any Account: And ſhould any ſuch Creditors for ſmall Debts appear upon any Agreement or Compoſition, and out-number the Creditors to whom great Debts are due; it would be thought very ſtrange, that Creditors for 4 *s.* each, who would not take 1 *s.* and other Creditors for 4 *l.* each, who would not take 1 *l.* for their Debts, but would rather loſe all, ſhould hinder a Creditor for 4000 *l.* to receive 1000 *l.* for his Debt, after the Rate of five Shillings in the Pound.

Therefore upon a Debate at the Committee of the Houſe of Commons, the great Diſproportion above-mentioned being well conſidered, It was ordered to fill the Blank in the Bill Two Thirds in Value only: And the Report thereof being made to the Houſe, it was agreed to, and ordered to be Ingroſſed; but upon Reading and Paſſing the Ingroſſed Bill, a Motion being made to add the word *Number*, to prevent Relations, who may be Creditors of a Debtor, to make up the Majority; which though it might ſcarce have happened, the Houſe agreed to it.

Nota. Had the Motion been made upon the Report, the above-mentioned Amendment might have been offered, with Reaſons to ſhew the Neceſſity of that Qualification, to which it's not doubted the Houſe would have agreed, it freeing the great Creditors from being hindered by the ſmall ones, and the Debtor from the Hazard of Forſwearing himſelf, or of loſing the Benefit of his Agreement or Compoſition, by reaſon of thoſe ſmall Debts, which ſhould he now know the Number of them, and pay all the Perſons to whom they are due, before he makes his Compoſition, it would not only diminiſh his Effects of a conſiderable Sum of Money, to the Prejudice of the reſt of his Creditors, but alſo create Diſputes among them, concerning the Majority in Number, which ſome may pretend ought not to have been leſſened by paying of the ſmall Debts; and thereupon Suits of Law enſue, which may now, by the aforeſaid Amendment, be prevented.

Reaſons for a ſmall Amend-
ment in the Bill for Re-
lief of Creditors.